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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,174	03/16/2006	Simon Jeremy East	5035-236US/P32,185USA	5211

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EXAMINER	
FAN, HUA	

ART UNIT	PAPER NUMBER
2456	

MAIL DATE	DELIVERY MODE
10/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/572,174	EAST ET AL.	
	Examiner	Art Unit	
	HUA FAN	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the Amendment/Remarks filed on 9/8/2008. Claims 1-16 are pending.

Response to Arguments

1. Applicant's arguments filed 9/8/2008 have been fully considered but they are not persuasive.

Applicant argues on page 11 with respect to claim 1 that Desai-Pabla failed to teach the limitation of "receiving at a remote computer, connected to both the device and each of those web servers....the log being generated and sent by the device". Examiner disagrees based upon the reasons/citations set forth in the rejection to claim 1 in the prior Office action. It is the combination of Desai and Pabla that teaches this limitation, not Desai or Pabla alone. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Desai discloses all the functionalities claimed in the limitation except "a separate computer connected to both device and web server". Pabla discloses such a connection structure. It is obvious at the time of invention to apply such a connection structure disclosed by Pabla to the system disclosed by Desai that has all the other functionalities claimed in the limitation. See the motivation of combination in the rejection. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed

invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, see motivation of combination detailed in the rejection. It is also to be noted that the motivation of combining the references does not have to be the same as used by the application. See MPEP 2144 section IV, "Rationale different from applicant's is permissible", "It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant".

Applicant argues on page 13-15 with resepct to claim 1 that the combination of Desai-Pabla and Lara does not teach “identifying any of that viewed content that has been updated". Examiner disagrees based on the rejection to claim 1 set forth in the prior Office action. It is the combination of Desai-Pabla and Lara that teaches this limitation, not Desai, Pabla, or Lara alone. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-10 and 15-16 are rejected under 35 U.S.C. 103(a) as unpatentable over Desai et al (US2003/0088580), in view of Pabla et al (WO 03/003688), and further in view of Lara et al (US patent 6976093).

As to claim 1, Desai et al. discloses a method of providing content to a mobile web browsing device (figure 2, [0022]) from any of several web servers (figure2; [0022]), comprising the steps of:

(a) receiving at a remote computer within a web server, connected to the device (figure 2; [0022]), a log of data identifying content that has been viewed by that specific device ([0029]), the log being generated and sent by the device ([0029]);

(c) the remote computer automatically causing updated content stored on any of the web servers to be sent to the device over the wireless network ([0029]);

(d) causing that updated content to be automatically stored in device memory ([0028]-[0029]).

Desai et al. discloses the remote computer is connected to the device over wireless network. However, Desai et al. does not expressly disclose the remote computer is connected to any of the web servers ~~over wireless network~~. Pabla et al. discloses a separate computer connected to both device and web server (section "Summary of Invention", paragraph 2, “gateway portal”).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. with the method disclosed by Pabla et al.

regarding detecting plug-and-play events. The suggestion/motivation of the combination would have been to provide a gateway portal targeted specifically at low-end wireless devices (Pabla et al., section "Summary of Invention", paragraph 2).

Desai et al. discloses the remote computer automatically identifying the viewed content ([0029]). However, Desai et al. in view of Pabla et al. does not expressly disclose (b) the remote computer automatically identifying any of that viewed content that has been updated. Lara et al. discloses the remote computer automatically identifying content updates (col. 3, lines 15-29; col. 2, lines 35-38; col. 9, lines 49-65).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. in view of Pabla et al, with the method disclosed by Lara et al. regarding automatically identifying content updates. The suggestion/motivation of the combination would have been to ensure that the content on various web servers is identical (col. 1, lines 50-56), and manage content for caching servers to ensure the cached content is consistent with the content on the original server (col. 1, lines 60-67).

Desai et al, Pabla et al, and Lara et al were previously cited for claims 2-6's rejections. The citations applicable (see prior Office action) are hereby incorporated by reference.

As to claim 7, Desai-Pabla-Lara discloses the method of Claim 6 in which the remote computer is connected to both the device and each of the web servers over a wireless network (see rejection to claim 1 above and Desai, [0022], "mobile computing device"), and wherein the remote computer makes a decision whether or not to send, or cause to be sent, the updated content, by taking into account the following: (b) how often the user views the content (Desai et

al, [0032], lines 4-8); (e) what an operator of the wireless network wants to promote (Desai et al, [0034], lines 3-6).

Desai et al, Pabla et al, and Lara et al were previously cited for claims 8-10 and 15's rejections. The citations applicable (see prior Office action) are hereby incorporated by reference.

As to claim 16, Desai et al. discloses a mobile web browsing device able to download and store content from a web server over a wireless network (figure 2; [0022]), wherein the device is programmed to: (a) create a log of data identifying the content that is being viewed by the device ([0029]); (b) send that log to a remote computer, the remote computer being connected to device over a wireless network ([0029]; [0022]; figure 2); (c) receive from the web server any content that has been identified by the remote computer as having been updated ([0029]); (d) automatically store that updated content in memory ([0028]-[0029]).

Desai et al. discloses the remote computer is connected to the device over wireless network. However, Desai et al. does not expressly disclose the remote computer is connected to any of the web servers over ~~a~~ the wireless network. Pabla et al. discloses a separate computer connected to both device and web server (section "Summary of Invention", paragraph 2, "gateway portal").

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. with the method disclosed by Pabla et al. regarding detecting plug-and-play events. See similar motivation in claim 1 rejection.

Desai et al. discloses the remote computer automatically identifying the viewed content ([0029]). However, Desai et al. does not expressly disclose the remote computer automatically

identifying any of that viewed content that has been updated. Lara et al. discloses the remote computer automatically identifying content updates (col. 3, lines 15-29; col. 2, lines 35-38; col. 9, lines 49-65).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Desai et al. in view of Pabla et al, with the method disclosed by Lara et al. regarding automatically identifying content updates. See similar motivation to claim 1 rejection.

5. Claims 11-12 and 14 are rejected under 35 U.S.C. 103(a) as unpatentable over Desai et al., in view of Pabla et al., and Lara et al., as applied to claim 1 above, and further in view of Forsyth (US publication 2004/0077340).

Desai et al, Pabla et al, Lara et al, and Forsyth were previously cited for claims 11-12 and 14's rejections. The citations applicable (see prior Office action) are hereby incorporated by reference.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as unpatentable over Desai et al., in view of Pabla et al., and Lara et al., as applied to claim 1 above, and further in view of Blumenau (US publication 2004/0078292).

Desai et al, Pabla et al, Lara et al, and Blumenau were previously cited for claim 13's rejection. The citations applicable (see prior Office action) are hereby incorporated by reference.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUA FAN whose telephone number is (571)270-5311. The examiner can normally be reached on M-F 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. F./
Examiner, Art Unit 2456

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2456